

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ADAM LACROIX, as an individual

Plaintiff,

v.

Case No: 2:20-cv-992-SPC-NPM

TOWN OF FORT MYERS
BEACH, FLORIDA, BILL
STOUT and ROXANNE TUCCI,

Defendants.

_____ /

ORDER¹

Before the Court is Defendants Town of Fort Myers Beach, Bill Stout, and Roxanne Tucci's Unopposed Motion to Stay Proceedings Pending Appeal of This Court's Order on Lacroix's Motion for Preliminary Injunction. ([Doc. 55](#)).

The Court denied Lacroix's Motion for Preliminary Injunction on March 22, 2021. ([Doc. 50](#)). Lacroix timely filed a notice of appeal. ([Doc. 51](#)). Defendants now seek to stay the proceedings until the Eleventh Circuit rules

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on Lacroix's appeal. Defendants' counsel certifies that counsel for Lacroix has been consulted and that they do not object to a stay.

Accordingly, it is now **ORDERED**:

1. Defendants' Unopposed Motion to Stay Proceedings ([Doc. 55](#)) is **GRANTED**.
2. All proceedings are **STAYED** until the parties advise the Court that the interlocutory appeal has concluded and the stay should be lifted. The parties must notify the Court of such matters within **five (5) days** of the appeal concluding.
3. Defendants Bill Stout and Roxanne Tucci's Motion to Dismiss ([Doc. 33](#)) is **DENIED** without prejudice. Stout and Tucci may refile the Motion to Dismiss within **seven (7) days** of the appeal concluding.
4. Defendant Town of Fort Myers Beach's Motion to Dismiss ([Doc. 39](#)) is **DENIED** without prejudice. Town of Fort Myers Beach may refile the Motion to Dismiss within **seven (7) days** of the appeal concluding.
5. The Clerk is **DIRECTED** to add a stay flag to the case file.

DONE and **ORDERED** in Fort Myers, Florida on March 30, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record